

UNITED STATES DISTRICT COURT
 for the
 Eastern District of Michigan

In the Matter of the Search of

(Briefly describe the property to be searched
 or identify the person by name and address)

1923 Bay Street, Saginaw, Michigan 48602

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Case No. 1:20-mc-51047

Judge: Ludington, Thomas L.

Filed: 09-08-2020

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ Eastern _____ District of _____ Michigan .
(identify the person or describe the property to be searched and give its location):

See ATTACHMENT A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

See ATTACHMENT B & C

| |
|--|
| I hereby certify that the foregoing is a certified copy of the original on file in this office. |
| Clerk, U.S. District Court Eastern District of Michigan |
| By: <u>s/ Kristen Castaneda</u> Deputy |



YOU ARE COMMANDED to execute this warrant on or before September 22, 2020 (*not to exceed 14 days*)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the presiding United States Magistrate Judge on duty .
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

for ____ days (*not to exceed 30*) until, the facts justifying, the later specific date of _____.


Judge's signature

Date and time issued: September 8, 2020 10:58 am

City and state: Bay City, Michigan

Patricia T. Morris

U. S. Magistrate Judge

Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

| | | |
|--|---------------------------------|--|
| Case No.: | Date and time warrant executed: | Copy of warrant and inventory left with: |
| 1:20-mc-51047 | 09/16/2020 @ 8:35m | Mary Ellen Kaczor |
| Inventory made in the presence of : Mary Ellen Kaczor | | |
| Inventory of the property taken and name of any person(s) seized: 9 items seized. See attached inventoried items. | | |

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: 09/16/2020



Executing officer's signature



Printed name and title

Evidence Report for Case: 305D-DE-3304488
Filtering on: Type(s):1B, 1D

| Item # | Description |
|--------|--|
| 1B9 | (U) One Verizon Tablet "Ellipsis 4GLite" |
| 1B8 | (U) One black Samsung Galaxy S8 mobile phone, damaged screen. |
| 1B7 | (U) One Dell XP Home Edition desktop computer, #00043-542-398-494, Service Tag: 5P5N051 |
| 1B6 | (U) One thumbdrive labeled "Great Lakes Bay", found in Jason Marcoux's bedroom. |
| 1B5 | (U) One black 2GB MircoSD card, found with an LG and Pantech mobile phones. |
| 1B4 | (U) One Pantech, model: P5000, S/N: 114800171707. Located in Jason Marcoux's room in the dresser. |
| 1B3 | (U) One LG mobile phone, model: LS740P, S/N: 412CYBD0151317. Located in Jason Marcoux's room in the dresser. |
| 1B2 | (U) One HP laptop computer from Jason Marcoux's bedroom. Laptop was found between the mattress and box spring. |
| 1B1 | (U) One Apple iPhone 6S, silver with black bumper case |

ATTACHMENT A

DESCRIPTION OF LOCATIONS TO BE SEARCHED

The entire property located at 1923 Bay Street, Saginaw, Michigan 48602, including the residential building, any outbuildings, and any appurtenances thereto (the SUBJECT PREMISES) and vehicles within the control of the residents of the SUBJECT PREMISES and is further identified as follows: 1923 Bay Street, Saginaw, Michigan 48602, is located on the west side of Bay Street south of Genesee Avenue. The structure is a two-story family home, blue color siding with white trim around the windows and front door. The porch has a white railing with the numbers 1923 in white on a black placard.



ATTACHMENT B

ITEMS TO BE SEIZED

The following materials, which constitute evidence of the commission of a criminal offense, contraband, the fruits of crime, or property designed or intended for use or which is or has been used as the means of committing a criminal offense, namely violations of 18 U.S.C. §§ 2252A:

1. Computers or storage media used as a means to commit the violations described above.
2. For any computer or storage medium whose seizure is otherwise authorized by this warrant, and any computer or storage medium that contains or in which are stored records or information that is otherwise called for by this warrant (hereinafter, “COMPUTER”):
 - a. Evidence of who used, owned, or controlled the COMPUTER at the time the items described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved user names and passwords, documents, browsing history, user profiles, email, email contacts, “chat,” instant messaging logs, photographs, and correspondence;

- b. Evidence of software that would allow others to control the COMPUTER, such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;
- c. Evidence of the lack of such malicious software;
- d. Evidence indicating how and when the computer was accessed or used to determine the chronological context of computer access, use, and events relating to the crime(s) under investigation and to the computer user;
- e. Evidence indicating the computer user's knowledge and/or intent as it relates to the crime(s) under investigation;
- f. Evidence of the attachment to the COMPUTER of other storage devices or similar containers for electronic evidence;
- g. Evidence of programs (and associated data) that are designed to eliminate data from the COMPUTER;
- h. Evidence of the times the COMPUTER was used;
- i. Passwords, encryption keys, and other access devices that may be necessary to access the COMPUTER;

- j. Documentation and manuals that may be necessary to access the COMPUTER or to conduct a forensic examination of the COMPUTER;
- k. Records of or information about Internet Protocol addresses used by the COMPUTER;
- l. Records of or information about the COMPUTER's Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses; and
- m. Contextual information necessary to understand the evidence described in this attachment.

3. Routers, modems, and network equipment used to connect computers to the Internet.

4. Child pornography, as defined in 18 U.S.C. § 2256(8), visual depictions of minors engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), and child erotica.

5. Records, information, and items relating to violations of the statutes described above including:

6. Records, information, and items relating to the occupancy or ownership of the SUBJECT PREMISES, including utility and telephone bills, mail envelopes, or addressed correspondence.

7. Records, information, and items relating to the ownership or use of computer equipment found in the above residence, including sales receipts, bills for Internet access, and handwritten notes.

8. Records and information relating to the identity or location of the persons suspected of violating the statutes described above.

9. Records and information relating to sexual exploitation of children, including correspondence and communications between users of child pornography and exploitation websites.

10. As used above, the terms "records" and "information" includes all forms of creation or storage, including any form of computer or electronic storage (such as hard disks or other media that can store data); any handmade form (such as writing); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies).

11. The term "computer" includes all types of electronic, magnetic, optical, electrochemical, or other high speed data processing devices performing logical,

arithmetic, or storage functions, including desktop computers, notebook computers, mobile phones, tablets, server computers, and network hardware.

12. The term “storage medium” includes any physical object upon which computer data can be recorded, including external and internal hard drives, flash drives, thumb drives, micro SD cards, macro SD cards, DVDs, gaming systems, SIM cards, cellular phones capable of storage, floppy disks, compact discs, magnetic tapes, memory cards, memory chips, and other magnetic or optical media.

This warrant authorizes a review of electronic storage media and electronically stored information seized or copied pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the seized or copied electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

ATTACHMENT C

DEFINITIONS

The following definitions apply to this Affidavit and Attachment B:

- a. “Bulletin Board” means an Internet-based website that is either secured (accessible with a password) or unsecured, and provides members with the ability to view postings by other members and make postings themselves. Postings can contain text messages, still images, video images, or web addresses that direct other members to specific content the poster wishes. Bulletin boards are also referred to as “internet forums” or “message boards.” A “post” or “posting” is a single message posted by a user. Users of a bulletin board may post messages in reply to a post. A message “thread,” often labeled as a “topic,” refers to a linked series of posts and reply messages. Message threads or topics often contain a title, which is generally selected by the user who posted the first message of the thread. Bulletin boards often provide the ability for members to communicate on a one-to-one basis through “private messages.” Private messages are similar to e-mail messages that are sent between two members of a bulletin board. They are accessible only by the users who sent/received such a message, or by the bulletin board administrator.
- b. “Chat,” as used herein, refers to any kind of text communication over the Internet that is transmitted in real-time from sender to receiver. Chat messages

are generally short in order to enable other participants to respond quickly and in a format that resembles an oral conversation. This feature distinguishes chatting from other text-based online communications such as Internet forums and email.

c. “Chat room,” as used herein, refers to the ability of individuals to meet in one location on the Internet in order to communicate electronically in real-time to other individuals. Individuals may also have the ability to transmit electronic files to other individuals within the chat room.

d. “Child erotica,” as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not necessarily obscene or do not necessarily depict minors engaging in sexually explicit conduct.

e. “Child pornography,” as defined in 18 U.S.C. § 2256(8), is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit

conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

f. “Computer,” in conjunction with the definition in Attachment B, as used herein, refers to “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device” and includes smartphones, other mobile phones, and other mobile devices. *See 18 U.S.C. § 1030(e)(1).*

g. “Computer hardware,” as used herein, consists of all equipment that can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, “thumb,” “jump,” or “flash” drives, which are small devices that are plugged into a port on the computer, and other memory storage devices); peripheral input/output devices (including keyboards, printers, video display monitors, and related communications devices such as cables and connections); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including physical keys and locks).

h. “Computer passwords and data security devices,” as used herein, consist of information or items designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates what might be termed a digital key to “unlock” particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software may include programming code that creates “test” keys or “hot” keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or “booby-trap” protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

i. “Hyperlink” refers to an item on a web page which, when selected, transfers the user directly to another location in a hypertext document or to some other web page.

j. The “Internet” is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

k. “Internet Service Providers” (“ISPs”), as used herein, are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers including access to the Internet, web hosting, email, remote storage, and co-location of computers and other communications equipment.

l. An “Internet Protocol address” or “IP address,” as used herein, refers to a unique numeric or alphanumeric string used by a computer or other digital device to access the Internet. Every computer or device accessing the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer or device may be directed properly from its source to its destination. Most Internet Service Providers (“ISPs”) control a range of IP addresses. IP addresses can be “dynamic,” meaning that the ISP assigns a different unique number to a computer or device every time it accesses the Internet. IP addresses might also be “static,” if an ISP assigns a user’s computer a particular IP address that is used each time the computer accesses the Internet. ISPs typically maintain logs of the subscribers to whom IP addresses are assigned on particular dates and times.

m. “Minor,” as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.

n. “Records,” “documents,” and “materials,” as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade, photographic, mechanical, electrical, electronic, or magnetic form.

o. “Remote computing service,” as defined in 18 U.S.C. § 2711(2), is the provision to the public of computer storage or processing services by means of an electronic communications system.

p. “Sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the anus, genitals, or pubic area of any person.

q. A “storage medium” is any physical object upon which computer data can be recorded. Examples include hard disks, RAM, floppy disks, “thumb,” “jump,” or “flash” drives, CD-ROMs, and other magnetic or optical media.

r. “URL” is an abbreviation for Uniform Resource Locator and is another name for a web address. URLs are made of letters, numbers, and other symbols in a standard form. People use them on computers by clicking a pre-prepared link or typing or copying and pasting one into a web browser to make the computer fetch

and show some specific resource (usually a web page) from another computer (web server) on the Internet.

s. “Visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

t. A “Website” consists of textual pages of information and associated graphic images. The textual information is stored in a specific format known as Hyper-Text Mark-up Language (HTML) and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol (HTTP).